

This is a request for records under the Freedom of Information Act ("FOIA") from Mark Walker of The New York Times.

The New York Times requests:

1. All email correspondence from Jan. 1, 2018 through the date of search for responsive records to or from a) **Scott Pruitt Former** EPA Administrator, **Andrew Wheeler** EPA Administrator, **Ryan Jackson** EPA Chief of Staff, **Samantha Dravis** Former Environmental Protection Agency senior counsel and associate administrator in the Office of Policy, **Brittany Bolen** Associate Administrator of the Office of Policy, **Nancy Beck** Principal Deputy Assistant Administrator, **Alexandra Dapolito Dunn** Assistant Administrator, **Jennifer Orme-Zavaleta** Principal Deputy Assistant Administrator for Science, **Dana Vogel** Director Health Effects Division, **Elissa Reaves** Acting Director Pesticide Re-Evaluation Division, **Rick Keigwin** Director Pesticides Programs, **Mike Goodis** Director of Pesticides Registration Division, containing any one of the following keywords: Atrazine, Triazine, Kunickis

FORMAT OF REQUESTED RECORDS

Under FOIA, you are obligated to provide records in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format.").

We request all records in an electronic .pdf format.

Please provide all records on a rolling basis.

RESPONSE TIME

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in FOIA, we anticipate a reply within the statutory timeframe of 20 business days. 5 U.S.C. § 552(a)(6)(A)(i).

FEE WAIVER

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773–74 (1989). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments . . . be furnished without any charge or at a [reduced] charge . . . if disclosure of the information is in the public interest because it is likely to contribute significantly

to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure to The New York Times will contribute to public understanding of the operations and activities of the government and is not in the commercial interest of the requester.

EXPEDITED PROCESSING

There can be little doubt that The Times constitutes a requester "primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). There can also be little doubt that the requests relate to federal government activity; I am requesting expedited processing of this request because it concerns a matter of both urgency and of public concern: Atrazine is banned in Europe, due to its potential to contaminate water sources, but widely used in the U.S., where about 70 million pounds of the pesticide is sprayed—mostly on corn, but also on sorghum, sugarcane, and a few other crops, as well as on golf courses, Christmas tree farms, and in residential landscaping. Runoff washes the chemical into streams, rivers, and groundwater; it's one of the most common pollutants found in American waters. Independent research has shown atrazine's impact on aquatic life is significant: it can lead to reduced survival, growth, immunity, and sensory capacities, increased disease, as well as reproductive and developmental abnormalities, and behavioral changes. There's also evidence the herbicide harms plants and wildlife. In humans, it's associated with thyroid, ovarian, and other cancers, low birth outcomes, pre-term delivery, and birth defects. Late last year, the EPA proposed increasing the allowable levels of the herbicide Atrazine, which is used commercially to kill weeds on crops and lawns. It said the proposal is one of several that would "ensure a strong and vibrant agricultural market." We believe the release of these records would the public better understand the agencies decision to increase the allowable level of the herbicide. Further, as the requests make clear, there is an urgency to inform the public about the federal government's activity with respect to combating disinformation, particularly as it relates to the potential risk this pesticide poses to public safety and health. See *id.* "[I]f production [of the requested records] is unduly delayed, both [The Times] and the public at large will be 'precluded ... from obtaining in a timely fashion information vital to the current and ongoing debate surrounding ... ' a high-profile government action." *Protect Democracy Project, Inc. v. US. Dep 't of Defense*, 263 F. Supp. 3d 293, 298-99 (D.D.C. 2017). The Times has accordingly shown a "compelling need" for the records and is entitled to expedited processing. See *id.*; see also, e.g., *ACLU of N Cal. v. US. Dep't of Defense*, 2006 U.S. Dist. LEXIS 36888, at *21 (N.D. Cal. May 25, 2006) (ordering the agency to provide expedited processing where "[p]laintiffs demonstrated a 'compelling need for the information' by showing that it was a breaking news story of significant importance to public policy").

GUIDANCE REGARDING THE SEARCH & PROCESSING OF REQUESTED RECORDS

In connection with its request for records, The New York Times provides the following guidance regarding the scope of the records sought and the search and processing of records:

§ Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks “communications,” please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

§ In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

§ Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

You may email copies of the requested records to:

Mark Walker
mark.walker@nytimes.com

If you are unable to deliver the documents through electronic means, please deliver the documents to:

Mark Walker
The New York Times
1627 I Street NW Suite 700
Washington DC 20006